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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-56

Filed: 1 August 2017

Iredell County, No. 14JT213

IN THE MATTER OF: K.A.R.

Appeal by respondent-father from order entered 20 October 2016 by Judge Wesley W. Barkley in Iredell County District Court. Heard in the Court of Appeals 13 July 2017.

Lauren Vaughan for petitioner-appellee Iredell County Department of Social Services.

Assistant Appellate Defender J. Lee Gilliam for respondent-appellant father.

Melanie Stewart Cranford for guardian ad litem.

BERGER, Judge.

Respondent-father appeals from an order terminating his parental rights to the juvenile K.A.R. (“Kaitlyn”).¹ After careful review, we affirm.

On October 26, 2014, Kaitlyn was transported to the hospital after being found unresponsive by Respondent-father. Hospital personnel determined that she had

¹ A pseudonym is used throughout to protect the identity of the child pursuant to N.C.R. App. P. 3.1(b), and for ease of reading.

ingested opiates. She was administered Narcon, and immediately became responsive. A social worker and law enforcement officer went to Respondent-father's residence. In Respondent-father's bedroom, which he and the mother shared with Kaitlyn, they found "white elongated pills" lying on a dresser along with a "crushed up white substance." They also found a marijuana roach, unsecured hypodermic needles, and a bottle of pills in a bag at the foot of the bed. Kaitlyn's uncle reported that the mother "was in the bathroom shooting up Opana (oxymorphone) when the child was found to be unresponsive." On October 28, 2014, the Iredell County Department of Social Services ("ICDSS") filed a petition alleging that Kaitlyn was an abused and neglected juvenile and obtained non-secure custody.

On November 26, 2014, the trial court adjudicated Kaitlyn an abused and neglected juvenile. On December 10, 2015, the trial court ceased reunification efforts. On February 16, 2016, ICDSS filed a petition to terminate Respondent-father's parental rights. On October 20, 2016, the trial court entered an order in which it determined that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (2), (3), and (6) (2015) to terminate Respondent-father's parental rights. The trial court further concluded that it was in Kaitlyn's best interests that Respondent-father's parental rights be terminated. Accordingly, the trial court terminated Respondent-father's parental rights. Respondent-father appeals.

Pursuant to North Carolina Rules of Appellate Procedure 3.1(d), Respondent-father's counsel has filed a no-merit brief in which he states that he made a "conscientious and thorough review of the record on appeal" and was unable to identify any issues of merit on which to base an argument for relief. Respondent-father's counsel requests that this Court conduct an independent examination of the case. In accordance with Rule 3.1(d), Respondent-father was advised of counsel's inability to find reversible error, his filing of a "no-merit" brief, and of Respondent-father's right to file his own arguments directly with this Court within thirty days of the date of the filing of the no-merit brief. Respondent-father did not file supplemental arguments.

After carefully reviewing the transcript and record, we are unable to find any prejudicial error in the trial court's order terminating Respondent-father's parental rights. Our review of the record reveals that the termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to support the conclusion that Respondent-father willfully failed to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so. *See* N.C. Gen. Stat. § 7B-1111(a)(3) (2015).

The trial court's uncontested findings of fact demonstrate that Respondent-father entered into a voluntary support order; he was employed in construction and worked sixty to seventy hours per week; he was paid for his work and had money

available to him to pay support for the benefit of the juvenile; and in the six months immediately preceding the filing of the petition to terminate his parental rights, he paid no support. The finding of this statutory ground alone supports termination of Respondent-father's parental rights. *See In re Taylor*, 97 N.C. App. 57, 64, 387 S.E.2d 230, 233-34 (1990) (noting that a finding of any one of the separately enumerated grounds is sufficient to support termination).

Furthermore, the trial court made appropriate findings in determining that termination of Respondent-father's parental rights was in the juvenile's best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015). Accordingly, we affirm.

AFFIRMED.

Judges ELMORE and TYSON concur.

Report per Rule 30(e).